

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-4, 6-7, 11, 13, 53-66, 105, and 114-115 are canceled. Claims 15-52, 67-104, and 106-108 were withdrawn by the Examiner. Claims 1-2, 5, 8-10, 12, 14, 109-114, and 116-123 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

Claims 1, 8, 111, 116, and 123 have been amended to place the application in condition for allowance. It is therefore submitted that this Amendment should be entered.

Claims 5 and 113 have been amended solely to provide proper antecedence. No new matter has been added by these amendments.

In the Office Action, claims 1-2, 5-10, 12, 14, and 109-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pare (U.S. Patent No. 5,838,812) in view of Dulude (U.S. Patent No. 6,310,966) and Kawan (U.S. Patent No. 5,796,833) and either Johnson (U.S. Patent No. 5,598,474), Gerety (U.S. Patent No. 6,560,741), or Shinn (U.S. Patent No. 6,655,585). Claims 6-7 and 114-115 are canceled. Applicants submit that the remaining claims are patentably distinguishable over the cited references.

Claim 1 has been amended to more clearly show how the method defined therein is distinguishable over the cited references.

The Pare patent describes commercial transaction authorization in which a buyer uses a terminal to communicate over a network with a data processing center. Initially, the buyer registers by providing a PIN, a biometric sample, a buyer financial account, and a buyer-assigned account index code associated with a financial account which are then transmitted over the network and stored in the data processing center. When the buyer subsequently accepts a transaction proposed by the

seller, the buyer again provides the biometric information, the PIN, and the account index code to the terminal which are then transferred over the network to the data processing center for comparison with the biometric information and PIN provided during registration. If the buyer is successfully identified, the data processing center uses the account index code to access and debit the account of the buyer. (See FIGS. 1, 24, 25; and col. 6, lns. 3-48). Pare's method has the disadvantage that the buyer must select and register a PIN that is used only by Kawan's system, the buyer must select and register an account index code that is also used only by Kawan's system, and the buyer must remember the PIN and the account index code that will not be used except to carry out transactions using Kawan's system.

The Dulude patent describes a biometric certification system in which a user registers by providing biometric data and user input data, such as a user ID, which are stored at a registration authority. When the user conducts an electronic transaction, the user again provides the biometric data and provides transaction first data which includes the user ID. (See FIGS. 3 and 5; col. 4, lns. 55-65; and col. 5, lns. 50-62). Thus, the system described by Dulude has the same disadvantages as that of Pare, namely, the user is required to register a user ID that is used only by Dulude's system and then the user must remember the user ID solely to carry out transactions using Dulude's system.

The Kawan patent describes a financial information and transaction system in which the user initiates a transaction by inserting a smart card into a terminal and then entering a PIN into a terminal keypad. The information stored on the smart card and the PIN are then transmitted to a host computer for verification. (See FIGS. 3A, 3B, and 4; and col. 4, ln. 43 to col. 5, ln. 9). Kawan's system therefore has the same

disadvantages described above regarding Pare in that the user must register a PIN that is specific to Kawan's system, and then the user must remember the PIN that is not used except to carry out transactions on Kawan's system. Kawan's system has a further disadvantage that the user must carry the smart card on their person in order to conduct the transactions.

The Shinn patent describes a system in which a user is authenticated by inserting a smart card into a reader device and then providing a biometric sample. (See FIG. 5; Abstract; and col. 6, lns. 55-67) Shinn therefore describes a system that has the same disadvantages associated with Kawan's system, namely, the user is required to carry around the smart card.

The Johnson patent describes a system that can read and identify a user's fingerprints and then store information about the fingerprints on a magnetic strip of an ID card. The user can subsequently carry out a transaction by inserting the ID card into a reader and placing a finger in a fingerprint reader. (See col. 1, lns. 8-21; and col. 10, lns. 3-13). The system described by Johnson therefore has a disadvantage similar to those of the systems described by Kawan and Shinn, namely, the user is required to remember to carry around a card to carry out transactions. Moreover, Johnson's system has a further disadvantage that use of the ID card is specific to Johnson's system.

Therefore, the Pare, Dulude, and Kawan references each describe a system and/or method which requires the user to register a number that is associated with *only the disclosed system*, i.e., the PIN or the user ID, and in which the user is then required to remember the number *associated only with that system* in order to carry out subsequent transactions. Moreover, the systems described by Kawan, Shinn and Johnson each have the disadvantage that the user must carry a card with them in order to carry out a transaction. Neither Pare, Dulude, Kawan, Shinn,

nor Johnson discloses or suggests authenticating the user by having the user provide, in conjunction with biometric information, a number that the user more readily remembers because it is also used to carry out transactions on other various systems, i.e., a credit card number.

The Gerety patent is concerned with codes for storing biometric information. Therefore, Gerety does not remedy the deficiencies of Pare, Dulude, Kawan, Shinn, and Johnson.

Therefore, neither Pare, Dulude, Kawan, Shinn, Johnson, nor Gerety discloses or suggests:

acquiring, at said communication device, a credit card number associated with said person and personal information pertaining to said person, said credit card number being the financial information needed to complete said transaction and being acquired without reading out the credit card number from a storage area of a card associated with the credit card number;

generating, using a biometric device and in association with said acquiring of said credit card number and said personal information, a unique identification trait associated with said person;

as recited in claim 1.

It follows that neither Pare, Dulude, Kawan, Shinn, Johnson, nor Gerety, whether taken alone or in combination, discloses or suggests the method defined in claim 1. Claim 1 is therefore patentably distinct and unobvious over the cited references.

Claims 2, 5, 10, 12, 14 and 109 each depend from claim 1, and therefore each is distinguishable over the cited art for at least the same reasons.

Claim 8 has been rewritten in independent form and includes limitations similar to those set out in claim 1. Claim 8 is therefore patentably distinguishable over the cited references for at least the same reasons.

Claim 9 and 110 depend from claim 8, and, for at least the same reasons, are distinguishable over the cited art.

Independent claim 111 is directed to a communications device having means for carrying out each of the process steps defined in claim 1. Claim 111 is therefore patentably distinguishable over the cited references at least for the same reasons.

Claims 112-113 and 118-121 depend from claim 111. For at least the same reasons, each of claims 112-113 and 118-121 is distinguishable over the cited art.

Independent claim 116 defines a communication device having means for carrying out each of the steps defined in claim 8. Therefore, claim 116 is patentably distinguishable over the cited references at least for the same reasons.

Claims 117 and 122 depend from claim 116 and, for at least the same reasons, are patentably distinguishable over the cited art.

Independent claim 123 defines a communication device that includes:

- an input device operable to acquire a credit card number associated with a person and personal information pertaining to said person, said credit card number being the financial information needed to complete a transaction between said person and said provider;

- a biometric device operable to generate, in association with said acquiring of said credit card number and said personal information, a unique identification trait associated with said person and to compare said generated unique identification trait to a previously stored unique identification trait associated with said person[.]

Claim 123 is therefore patentably distinguishable over the cited references for at least the reasons set out above regarding claim 1.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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